

REMARKS

Upon entry of the above amendment, claims 1-23 and 28-31 will be pending in this application. Claims 9-19 and 28-31 have previously been withdrawn. Applicants have amended claim 2 and canceled claims 24-27 without prejudice or disclaimer.

Applicants thank the Examiner for stating that claims 1, 3, 5, 7, and 20-23 are in condition for allowance.

35 U.S.C. § 112, Enablement

The Office maintains its rejection of claims 24-27 for an alleged lack of enablement. Solely in the interest of expediting allowance of this application, Applicants have canceled claims 24-27, thereby obviating this rejection.

35 U.S.C. § 102(e)

The Office Action alleges that claims 2, 4, 6, and 8 are anticipated by Weinstock et al. (U.S. Pat. No. 6,747,137). Specifically, the Office Action at page 5 states:

Weinstock et al. teaches an isolated nucleic acid sequence comprising a fragment with 100% sequence identity to a 9 amino acid fragment of SEQ ID NO:17 (Weinstock et al., SEQ ID NO:3111). Weinstock et al. further teaches vectors comprising the isolated nucleic acid, and host cells transformed with the vector comprising the nucleic acid (Weinstock et al., columns 7-8).

In the interest of moving this case to allowance, Applicants have amended claim 2 to no longer recite SEQ ID NO:17. Applicants submit that the rejection of claim 2 and of the claims that depend therefrom (claims 4, 6, and 8) is overcome by this amendment, and respectfully request that this rejection be withdrawn.

CONCLUSION

Claims 1-8 and 20-23 are pending and under examination in this application. Applicants submit that all of these claims are in condition for allowance.

Applicant : Masatsugu Maeda et al.
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No fees are believed to be due. Please apply any charges or credits to deposit
account 06-1050 referencing Attorney Docket No. 14875-096001.

Respectfully submitted,

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